



MINUTES

City Council Regular Meeting
July 6, 2021 - 7:00 PM

CALL TO ORDER

Mayor Rudy called the meeting to order at 7:02 p.m.

PLEDGE

ROLL CALL

Mayor:	Brian Rudy
Mayor Pro-Tem:	Mark Clark
Council:	Laura Speer
	Alicia Johnson
	Fred Neal
	Amanda Castle
	Tammy Mortenson

AUDIENCE PARTICIPATION

There was no audience participation.

APPROVAL OF AGENDA

Mayor Pro-Tem Clark made the motion, seconded by Council Member Johnson to approve the agenda as submitted. The motion passed with all voting in favor thereof.

CONSENT AGENDA

1. Approval of the June 15, 2021 City Council Meeting Minutes
2. Consideration of Ordinance Number 745-21, an Ordinance Repealing and Replacing Chapter 18.09 of the Evans Municipal Code - the Sign Code - 2nd Reading

Mayor Pro-Tem Clark made the motion, seconded by Council Member Castle to approve the consent agenda as presented. The motion passed with all voting in favor thereof.

NEW BUSINESS

3. Consideration of Ordinance Number 746-21, Amending Sections 18.05.030 and 5.08.205.B of the Evans Municipal Code to Allow Combative Sporting and Boxing Events to the Extent Such Events are Permitted Under Colorado Law Subject to a Temporary Use Permit

Mr. Becklenberg reviewed the item as detailed in the agenda packet. He then turned the meeting over to Drew Lyman, Assistant City Attorney.

Drew Lyman provided an overview of the proposed ordinance. Boxing events are heavily regulated under Colorado law. Unpermitted “boxing” events are generally prohibited under the Colorado Revised Statutes. However, exceptions exist under state law. On March 12, 2021, the City Clerk received an application to hold a boxing event at the Moose Lodge, which holds a valid liquor license. On March 23, 2021, the City Clerk administratively denied the application because Section 5.08.205.B of the Evans Municipal Code broadly prohibits any liquor licensed establishment from holding or allowing any “fight night or similar event...” on liquor licensed premises. At the May 4, 2021 Work Session, City Council requested this proposed ordinance to allow combative sporting and boxing events to the extent allowable under state law subject to a Temporary Use Permit under Evans Municipal Code Section 18.08.030.

Mr. Becklenberg added that Council could allow the permit to be an annual permit if that is what Council desires.

Council Member Johnson thinks that the Temporary Use Permit should go with the facility and not the event host in order to put controls in place to ensure that there are no issues.

Mayor Pro-Tem Clark likes the wording in the ordinance and with each event being sanctioned, the City can evaluate each application on a case by case basis.

Council Member Speer wants to maintain control of the events and have the ability to cancel the permit or not approve a permit if there are issues at the events.

Mayor Rudy is in favor of the proposed ordinance. These are good events so long as the event host is on the up and up.

Council Member Castle made the motion, seconded by Council Member Mortenson to approve Ordinance Number 746-21 on first reading. The motion passed with all voting in favor thereof.

4. Consideration of Change Order for 2021 Asphalt Patching Contract

Mr. Becklenberg reviewed the item as detailed in the agenda packet. He then turned the meeting over to Mark Oberschmidt, City Engineer.

Mark Oberschmidt provided an overview of the requested change order. The 2021 Capital Improvement Program (CIP) Budget includes funding for asphalt patching in multiple locations throughout the community. The pavement patching project was awarded to Colorado Paving, Inc. and has been underway since mid-June. As the year progressed and the work began, some of the areas increased in size due to weathering damage and other conditions. In addition, staff

located some other areas in serious need of patching that were quickly added to the project while the contractor was mobilized. Staff recommends City Council approval of this change order and an increase in the not to exceed amount to \$409,076.

Council Member Speer commented on the maps included in the packet.

Council Member Mortenson made the motion, seconded by Council Member Neal to approve the change order for the 2021 Asphalt Patch Project in the net amount of \$9,076 and an increase in the not to exceed budget amount to \$409,076. The motion passed with all voting in favor thereof.

REPORTS

5. City Manager

Mr. Becklenberg reviewed the building permit valuations collected year to date and compared to this time last year.

6. City Attorney

Scott Krob, City Attorney, had no report.

AUDIENCE PARTICIPATION (general comments)

There was no audience participation.

EXECUTIVE SESSION

7. To receive legal advice from the city attorney regarding specific questions and to discuss strategies and give direction to negotiators on matters related to oil and gas regulations, pursuant to C.R.S. Sections 24-6-402(4)(b) and (e)
8. To receive legal advice from the city attorney regarding regulation of homelessness, pursuant to C.R.S. Section 24-6-402(4)(b)
9. To receive legal advice from the city attorney and give direction to negotiators on matters related to the Fire District Intergovernmental Agreement, pursuant to C.R.S. Sections 24-6-402(4)(b) and (e)

Mayor Pro-Tem Clark made the motion, seconded by Council Member Castle to move into Executive Session at 7:17 p.m. to receive legal advice from the City Attorney regarding specific questions and to discuss strategies and give direction to negotiators on matters related to oil and gas regulations; to receive legal advice regarding regulation of homelessness; and to receive legal advice and give direction to negotiators on matters related to the Fire District Intergovernmental Agreement, under C.R.S. Sections 24-6-402(4)(b) and (e). The motion passed with all voting in favor thereof.

The meeting reconvened at 8:35 p.m.

Scott Krob noted for the record that the executive session that Council concluded was within the scope of the statute and that he was present for the duration of the discussion, so the discussion is subject to the attorney client privilege.

ADJOURNMENT

The meeting was adjourned at 8:35 p.m.


City Clerk



CITY OF EVANS – MISSION STATEMENT

“To deliver sustainable, citizen-driven services for the health, safety, and welfare of the community.”

It is the policy of the City of Evans that all programs and activities shall be accessible to, and usable by, persons with disabilities. Persons needing assistance shall contact the Safety & Risk Management Manager at the City of Evans. Please provide three to five business day's advance notice so we can adequately meet your needs.